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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANIEL ZEIGER, DANZ DOGGIE	)	Case No. 3:17-cv-04056-WHO
DAYTRIPS, and AMY FREEBORN,	)	
Individually and on Behalf of All Others	)	<u>CLASS ACTION</u>
Similarly Situated,	)	
	)	<b>DECLARATION OF REBECCA A.</b>
Plaintiffs,	)	<b>PETERSON IN SUPPORT OF</b>
v.	)	<b>PLAINTIFFS' OPPOSITION TO</b>
	)	<b>DEFENDANTS' MOTION TO DISMISS</b>
WELLPET LLC, a Delaware corporation,	)	<b>PLAINTIFFS' FIRST AMENDED</b>
and BERWIND CORPORATION, a	)	<b>COMPLAINT</b>
Pennsylvania corporation,	)	
	)	Date: January 10, 2018
	)	Time: 2:00 p.m.
Defendants.	)	Department: Courtroom 2, 17th Floor
	)	Judge: Hon. William H. Orrick
	)	
	)	Complaint Filed: July 19, 2017
	)	FAC Filed: October 26, 2017

DECLARATION OF REBECCA A. PETERSON IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS  
CASE NO. 3:17-CV-04056-WHO

1 I, REBECCA A. PETERSON, declare and state as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an associate  
3 with the law firm of Lockridge, Grindal, Nauen, P.L.L.P., and one of the attorneys for the  
4 plaintiffs in the above-entitled case.

5 2. Exhibit 1 to this declaration is a true and correct copy of the complaint in *WellPet*  
6 *LLC v. Pet Partners, Inc.*, No. 2:13-cv-05961 (C.D. Cal.), filed August 14, 2013 (Dkt. 1), which  
7 my office obtained from the PACER system. This complaint is from the second case *WellPet*  
8 *LLC* ("WellPet") filed in that dispute, since the first complaint was dismissed.

9 3. Exhibit 2 to this declaration is a true and correct copy of the civil docket for  
10 *WellPet LLC v. Pet Partners, Inc.*, No. 2:13-cv-05961 (C.D. Cal.), which my office obtained  
11 from the PACER system.

12 4. Exhibit 3 to this declaration is a true and correct copy of a web page for United  
13 Pacific Pet, LLC, a pet food distributor WellPet identified in its complaint filed in *WellPet LLC*  
14 *v. Pet Partners, Inc.*, No. 2:13-cv-05961 (C.D. Cal.) (Exhibit 1 hereto). My office printed  
15 Exhibit 3 from the web site *Welcome to United Pacific Pet*, at <https://www.uppet.com/> (accessed  
16 Nov. 13, 2017). The web page indicates United Pacific Pet, LCC is located at 12060 Cabernet  
17 Drive, Fontana, CA 92337.

18 5. Exhibit 4 to this declaration is a true and correct copy of a web page describing  
19 Pet Food Wholesale, Inc., a California pet food distributor or retail seller WellPet identified in its  
20 complaint filed in *WellPet LLC v. Pet Partners, Inc.*, No. 2:13-cv-05961 (C.D. Cal.) (Exhibit 1  
21 hereto). My office obtained and printed Exhibit 4 from Bloomberg.com at  
22 <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=6761944> (accessed  
23 Nov. 13, 2017).

24 6. Exhibit 5 to this declaration is a true and correct copy of the unpublished appeal  
25 order in *Berwind Corp. v. Fyfe*, 921 F.2d 279 (9th Cir. 1990) (unpublished) (appeal from No.  
26 CV-88-0995 (S.D. Cal.)). Plaintiffs submit this exhibit to show the facts of defendant Berwind  
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1 Corporation's ("Berwind") California business dealings and that Berwind filed the lawsuit in the  
2 Southern District of California. My office obtained the document from Westlaw.

3 7. Exhibit 6 to this declaration is a true and correct copy of a web page describing  
4 Berwind's San Diego employees, entitled *Berwind Corporation Executive Assistant Hourly*  
5 *Salaries in San Diego, CA*. My office obtained and printed Exhibit 6 from Indeed.com at  
6 [https://www.indeed.com/salaries/Executive-Assistant-Salaries-at-Berwind-Corporation,-San-](https://www.indeed.com/salaries/Executive-Assistant-Salaries-at-Berwind-Corporation,-San-Diego-CA)  
7 [Diego-CA](https://www.indeed.com/salaries/Executive-Assistant-Salaries-at-Berwind-Corporation,-San-Diego-CA) (accessed November 16, 2017).

8 8. Exhibit 7 to this declaration is a true and correct copy of WellPet's Limited  
9 Liability Company Application for Registration, filed with California's Secretary of State on  
10 December 9, 2008. My office retrieved the application from the Secretary of State's website at  
11 <https://businesssearch.sos.ca.gov> (searching "WellPet LLC" and following hyperlinks) (accessed  
12 November 14, 2017).

13 9. Exhibit 8 to this declaration is a true and correct copy of WellPet LLC's recent  
14 Statement of Information (Limited Liability Company), filed with California's Secretary of State  
15 on November 23, 2016. My office retrieved the application from the Secretary of State's website  
16 at <https://businesssearch.sos.ca.gov> (searching "WellPet LLC" and following hyperlinks)  
17 (accessed November 14, 2017).

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct. Executed on December 5, 2017, at Minneapolis, Minnesota.

20  
21 s/ Rebecca A. Peterson  
22 REBECCA A. PETERSON  
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